

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 THE ESTATE OF VICTOR E. ORTIZ, by :
 Proposed administrator, Iris Carrero, also known :
 as Victor Eduardo Ortiz, :

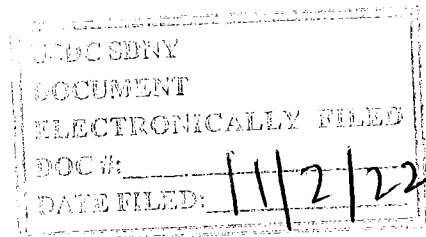
Plaintiff, :

v. :

BRONX HARBOR HEALTH CARE :
 COMPLEX, INC., doing business as :
 Kings Harbor Multicare Center; ABC :
 CORPORATION; and ABC PARTNERSHIP, :
 Defendants. :
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ORDER

22 CV 9348 (VB)



In the Civil Cover Sheet filed by defense counsel in this removed case, counsel checked the box for the assignment of this case to White Plains directly under the printed legend, "I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21." (Doc. #2). Accordingly, the case was assigned to White Plains and randomly assigned to the undersigned. However, because defendant removed this action from Supreme Court, Bronx County, it must be assigned to the Manhattan courthouse under Rule 20 of the SDNY Rules for the Division of Business Among District Judges ("RDB"). Moreover, because as alleged in the complaint, the claim arose entirely in Bronx County, plaintiff is a Bronx resident, and the defendant nursing home is located in the Bronx (see Doc. #1-1 at 3-4), this case, if originally brought in this Court, would be properly assigned to the Manhattan courthouse pursuant to RDB 18.

This is the second time in the undersigned's recent memory that defense counsel, Vigorito, Barker, Patterson, Nichols & Porter LLP, have falsely certified that a case removed from Supreme Court, Bronx County, should be assigned to the White Plains courthouse. See Vasquez v. Pelham Parkway Nursing Care and Rehab. Facility, LLC, No. 22-cv-7691 (S.D.N.Y. removed Sept. 9, 2022).

The Court does not appreciate having its time wasted by attorneys who repeatedly improperly certify the courthouse to which a case should be assigned. Counsel is warned that if they do so again, they may be subject to an appropriate sanction.

Dated: November 2, 2022
 White Plains, NY

SO ORDERED:

Vincent L. Briccetti
 United States District Judge